

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SPENCER EARL ROGERS,

Petitioner,

v.

CHRISTIAN PFEIFFER,

Respondent.

Case No. 1:20-cv-00142-JLT-HBK (HC)

ORDER GRANTING PETITIONER'S
MOTION TO PROCEED IN FORMA
PAUPERIS ON APPEAL

(Doc. No. 45)

Pending before the Court is Petitioner's motion to proceed *in forma pauperis* on appeal. (Doc. No. 45). Petitioner is a state prisoner proceeding with an appeal to the Ninth Circuit Court of Appeals of the denial by the United States District Court of his first amended petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 14, "Petition"). Petitioner paid the \$5.00 filing fee for this action. (*See* Doc. No. 1, Receipt No. 0972-8696061).

On March 19, 2024, the Court denied the Petition and denied Petitioner a certificate of appealability. (Doc. No. 40). On April 1, 2024, Petitioner filed a notice of appeal to the Ninth Circuit Court of Appeals, and on the same day the District Court sent Petitioner a bill for the \$605.00 appeal filing fee. (Doc. Nos. 42-43). On May 1, 2024, Petitioner filed an application to proceed *in forma pauperis* on appeal. Examination of the documents reveals that Petitioner is unable to afford the costs of the appeal. *See* Rule 24(a)(1), Federal Rules of Appellate Procedure,

1 and 28 U.S.C. § 1915.

2 Accordingly, it is **ORDERED**:

3 Petitioner's motion for leave to proceed *in forma pauperis* on appeal (Doc. No. 45) is
4 GRANTED.

5 Dated: May 6, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE